

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DEMETRIUS RENEE KELLUM,
#1936979,

Plaintiff,

v.

STATE OF TEXAS, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§

Case No. 6:20-CV-273-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. Docket No. 5. The Report and Recommendation of the Magistrate Judge (Docket No. 8) recommended that Plaintiff's civil rights complaint against Defendants Jacob Putman, Matt Bingham, and Judge Christi Kennedy be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). The Report further recommended that Plaintiff's complaint against the State of Texas be dismissed without prejudice for lack of subject matter jurisdiction. Plaintiff filed written objections. Docket No. 12.

The Court reviews objected-to portions of the Magistrate Judge's Report and Recommendation de novo. *See* FED. R. CIV. P. 72 and 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court conducting a de novo review examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen


days).

Having reviewed Plaintiff's objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct. Accordingly, it is **ORDERED** that Plaintiff's objections are **OVERRULED** and that the Magistrate Judge's Report (Docket No. 8) is **ADOPTED** as the opinion of this Court. It is further

ORDERED that Plaintiff's complaint against Defendants Putman, Bingham, and Judge Kennedy is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that Plaintiff's complaint against the State of Texas is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. All motions not previously ruled on are **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this **17th** day of **June, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE